

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

* * *

NIKCI BOYD,

Plaintiff,

V.

LIL HONE BOYD,

Defendant.

Case No. 2:16-cv-00330-JCM-PAL

REPORT OF FINDINGS AND RECOMMENDATION

12 This matter is before the court on Plaintiff Nikci Boyd's failure to comply with the
13 court's Order (ECF No. 2). This proceeding is referred to the undersigned pursuant to 28 U.S.C.
14 § 636(b)(1)(B) and LR IB 1-4 of the Local Rules of Practice.

15 Plaintiff filed an incomplete Application to Proceed *In Forma Pauperis* (ECF No. 1) on
16 February 12, 2016. The court could not determine whether Plaintiff qualified to proceed *in*
17 *forma pauperis* (“IFP”). On March 1, 2016, the court entered an Order (ECF No. 2) denying
18 Plaintiff’s IFP Application without prejudice, directing the Clerk’s Office to mail Plaintiff a new
19 IFP application, and allowing Plaintiff to file a completed IFP application or pay the \$400.00
20 filing fee on or before March 31, 2016. *Id.* The Order warned Plaintiff that a failure to file a
21 completed IFP application would result in a recommendation to the district judge that this case
22 be dismissed. On April 7, 2016, Plaintiff filed a Motion to Extend Time (ECF No. 4) which
23 asked for an extension of time to complete a new IFP application, or to pay the filing fee. The
24 court granted the extension in an Order (ECF. No. 6) and gave her a May 12, 2016 deadline.
25 Also on April 7, 2016, Plaintiff filed a Notice of Appeal (ECF No. 3). The order dismissing
26 Plaintiff’s appeal was entered May 19, 2016. To date, Plaintiff has not filed a completed IFP
27 application, requested an extension of time, or taken any other action to prosecute this case.

Accordingly,

IT IS RECOMMENDED that this action be DISMISSED without prejudice to the Plaintiff's ability to commence a new action in which she either pays the appropriate filing fee in full or submits a completed application to proceed *in forma pauperis*.

IT IS FURTHER RECOMMENDED that the Clerk of the Court be instructed to close this case and enter judgment accordingly.

DATED this 31st day of August, 2016.

Peggy A. Teer
PEGGY A. TEER
UNITED STATES MAGISTRATE JUDGE

NOTICE

This Report of Findings and Recommendation is submitted to the assigned district judge pursuant to 28 U.S.C. § 636(b)(1) and is not immediately appealable to the Court of Appeals for the Ninth Circuit. Any notice of appeal to the Ninth Circuit should not be filed until entry of the district court's judgment. *See Fed. R. App. Pro. 4(a)(1).* Pursuant to LR IB 3-2(a) of the Local Rules of Practice, any party wishing to object to a magistrate judge's findings and recommendations shall file and serve *specific written objections*, together with points and authorities in support of those objections, within 14 days of the date of service. *See also* 28 U.S.C. § 636(b)(1); Fed. R. Civ. Pro. 6, 72. The document should be captioned "Objections to Magistrate Judge's Report of Findings and Recommendation," and it is subject to the page limitations found in LR 7-3(b). The parties are advised that failure to file objections within the specified time may result in the district court's acceptance of this Report of Findings and Recommendation without further review. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). In addition, failure to file timely objections to any factual determinations by a magistrate judge may be considered a waiver of a party's right to appellate review of the findings of fact in an order or judgment entered pursuant to the recommendation. *See Martinez v. Ylst*, 951 F.2d 1153, 1156 (9th Cir. 1991); Fed. R. Civ. Pro. 72.